



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5381-99
13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 19 February 1975 after four years of prior honorable service. Your record reflects that on 7 March 1975 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and a three day period of unauthorized absence (UA). The punishment imposed was correctional custody for 10 days, forfeitures totalling \$75, and reduction to paygrade E-3. The correctional custody and forfeitures were suspended for six months. However, on 17 June 1975, the foregoing suspension was vacated due to your continued misconduct. On 18 June 1975 you received NJP for two periods of absence from your appointed place of duty and were awarded a \$75 forfeiture of pay and reduction to paygrade E-2, which was suspended for six months. This suspension was subsequently vacated on 15 October 1975. On 23 October 1975 you received NJP for failure to obey a lawful order and were awarded extra duty and restriction for 20 days.

Your record further reflects that on 24 March 1977 you received your fourth NJP for two periods of absence from your appointed

place of duty and were awarded reduction to paygrade E-2 and extra duty for 15 days.

On 29 March 1977 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 11 April 1977 your commanding officer recommended you be issued a general discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 18 April 1977 an ADB also recommended a general discharge by reason of misconduct. The discharge authority approved these recommendations and directed your commanding officer to issue you a general discharge and on 3 May 1977 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that its been over 20 years since your separation and you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director